



Hendry County Sheriff's Office

General Order 14.1

TITLE: Separation from Service	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: February 2, 2019	REVISION DATE: May 23, 2019
RELATED REFERENCES: <i>Chapter 112, F.S., Chapter 121, F.S., H.R. 218 Implementation of the Amended Law Enforcement Officers Safety Act of 2004</i>	
CFA:	
REVIEW FREQUENCY: 3 YEARS	DATE OF NEXT REVIEW: May 23, 2022

I. PURPOSE: The purpose of this order is to provide members with an understanding of the various reasons for a member's separation and the guidelines for each.

II. SCOPE: This order shall apply to all sheriffs' office members.

III. POLICY:

The Hendry County Sheriff's Office shall have consistent criteria for employees who separate from service with the Sheriff's Office.

A. Resignations

1. An employee may resign and leave the Sheriff's Office in good standing provided he/she submits a written memorandum notice of resignation stating the date and reasons for leaving. The notice of resignation should be submitted at least 14 calendar days prior to the last date of employment. Failure to provide proper notice may result in denial of re-employment and/or forfeiture of payment of unused leave benefits. The Sheriff may waive the required 14 days notice period if extenuating circumstances exist.

2. The Sheriff, at his discretion, may issue credentials for the purposes of allowing former HCSO sworn employees to be in compliance with the Law Enforcement Officers' Safety Act (18 USC 926C; H.R. 218 LEOSA).

C. Layoffs

1. When for any reason it becomes necessary to reduce the workforce of any district, division, or unit, employees will be laid off without prejudice as layoff is not considered a disciplinary action. The Sheriff will determine the number and classes of employees to be laid off.
2. Determining Order of Layoff
 - a. In determining order of layoff within a class, the layoffs shall be determined by seniority. In the event seniority is equal between employees, the following factors will be considered:

- (1) Employee's performance records;
 - (2) Employee's disciplinary record;
 - (3) Education, training, and experience to include certifications.
3. No employee with permanent (non-probationary) status in an affected class will be laid off while there are emergency, temporary, or probationary employees serving in the same classification, unless such employees have been designated as essential, or while there is a position vacancy in the same classification.
4. If an employee is scheduled to be laid off, the employee will be offered a demotion to a lower class in the same work unit if a vacancy exists and the employee is qualified to fill the position.
5. All employees to be laid off will be given written notification of such layoff by the Sheriff.

D. Medical Dismissals

1. In the event that it becomes necessary to terminate the employment of an employee due to physical inability to perform the essential functions of his/her position, such termination will be deemed a medical dismissal. Medical dismissals will be without prejudice and the employee will receive payment of unused leave benefits if otherwise eligible, pursuant to the rules governing payment of such leave upon termination. Such employees will be eligible for re-employment if their medical condition permits.

E. Dismissal

1. The Sheriff may dismiss an employee for delinquency, misconduct, inefficiency, refusal to work, inability to perform the work in a satisfactory manner, or for any other violation of the standards of conduct, as outlined in the *Professional Standards Division Manual PSU 100.1*. A written notice of dismissal to an employee will indicate the specific nature of the charges and the details concerning the charges.

F. Dismissal of Exempt Class or Probationary Employees

1. Employees who are probationary (i.e., serving their original new hire 1-year probation) and employees in the Exempt Class may be dismissed with or without cause.

G. Retirement

1. Employees who meet the age and service requirements of the Florida Retirement System (FRS) may retire from the Sheriff's Office pursuant to established Florida law governing the system (refer to GO 14.2: Retirement).

- H. If an employee desires to challenge a disciplinary action resulting in dismissal from employment, they should refer to GO 11.3: *Grievances*.

IV. PROCEDURE:

A. Resignations

1. Employees will submit a written memorandum to the Sheriff, through their chain of command, noting the date and reasons for leaving 14 calendar days prior to the effective date an employee leaves the Sheriff's Office to be in good standing.
 2. When the Supervisor of the employee resigning and leaving the Sheriff's Office is made aware, it is their responsibility to ensure that the employee submits proper notification.
 3. The immediate supervisor shall provide the departing employee with a Separation Checklist Form 300.15-01 and Contact Information for Court Purposes Only Form 300.15-02. It shall be the responsibility of the employee resigning and leaving to complete the separation checklist and have each affected area signed by the appropriate authority.
 - a. If the employee resigning and leaving is unable or unwilling to have the form signed-off, or is relieved of duty, the immediate supervisor shall have the form completed.
 4. The employee's immediate supervisor shall be responsible for ensuring that all Sheriff's Office property and equipment issued by the agency has been accounted for and returned. Any missing items will follow policy 200.16: Loss Control.
 5. After the Separation Checklist Form is completed and returned to Human Resources for release of final paycheck, the payout of time will be as follows:
 - a. Payment for any unused PTO leave at their separation hourly rate of pay. If notice of retirement has been given the member can accrue PTO time for the last two years of service, exceeding the maximum cap if necessary. This may be requested through the chain-of-command seeking the sheriff's approval.
 - b. Payment for unused sick leave will be paid to a member in good standing with three (3) or more years of service, from the Hendry County Sheriff's Office. Unused sick leave will be at a rate of 25% of the member's remaining unused sick leave bank.
- B. Credentials to comply with 18 USC 926C (H.R. 218 Law Enforcement Officers Safety Act)
1. Sworn employees with 10 years or more service with HCSO should document the desire to be issued credentials, to comply with 18 USC 926C (H.R. 218 LEOSA), within his/her written notice of resignation no less than 14 days prior to the last date of employment.
 2. Human Resources is responsible for verifying the employee's dates of service and for ensuring requesting employees complete and sign the Law Enforcement Officer's Safety Act form, which outlines eligibility criteria and usage of credentials issued under 18 USC 926C (H.R. 218 LEOSA).

V. GLOSSARY:

CLASS – A grouping of jobs for which duties, responsibilities, qualifications and conditions of employment are sufficiently alike to justify the same treatment with respect to employee practices.

EXEMPT CLASS – The Exempt Class will consist of the Sheriff and the number of positions as designated by the Sheriff. The Sheriff will appoint to these positions, employees of his choosing. All exempt positions will be held at the complete discretion of the Sheriff.

MEMBER IN GOOD STANDING – Full time employee of the agency that has completed their required probationary period, has no pending, or current disciplinary action, especially as it relates to the abuse of leave time, or has not been terminated, or had their appointment withdrawn.

PAID TIME OFF (PTO) – An allotment of hours each month, that combines both annual leave and holiday leave.

RETIREMENT – Means an employee who has met the requirements set forth by the Florida Retirement System (FRS) for his/her retirement class to enable him/her to leave the Sheriff's Office and collect benefits from the FRS.

SENIORITY – The continuous service in the job classification: provided, however, that an employee shall be considered to have a break in service when the employee separates, and is not on the Sheriff's payroll for at least 31 calendar days following the separation except for suspensions, authorized leave without pay, military leave or return to duty by arbitrator or other legal authority.

SICK LEAVE – Time that a member accrues monthly, as indicated in official payroll records, is intended to be used for personal illness or to care for immediate family members when they are ill, not for taking vacations.

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